

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

GARY MILLIGAN, DAVID ROGERS, :
WILLIE PETERSON and BRANDON :
MILLIGAN, Individually and on Behalf :
of All Others Similarly Situated, :

Plaintiffs, :

v. :

CASE NO.: 1:15-CV-135-LJA

MCLENDON ACRES, INC., 1-800-RR :
EMERGENCY, LLC, MARTIN :
MCLENDON, JOHN METCALF, and :
FRED DENIM, :

Defendants. :

ORDER

Before the Court is an Unopposed Motion to Approve Settlement Agreements and Dismissal with Prejudice. (Doc. 31 (the “Motion”).) Through the Motion, Defendants McLendon Acres, Inc., 1-800-RR Emergency LLC, Martin McLendon, John Metcalf, and Fred Denim (collectively, the “Defendants”) seek to dismiss the above-captioned action with prejudice. Plaintiffs Gary Milligan, David Rogers, Willie Peterson, Brandon Milligan, Anthony Ladson, and Michael Ladson (collectively, the “Named Plaintiffs”) do not oppose the Motion. The Motion states that the parties have agreed to settle the matter and have executed Settlement Agreements and Mutual General Releases (collectively, the “Agreements”) resolving the claims and seeking to dismiss the matter with prejudice. To the extent that the Agreements apply only to the Named Plaintiffs and the Defendants, the Court finds that the terms of the Agreements are fair and reasonable.

The Court notes, however, that this case was brought on behalf of the Named Plaintiffs, “and on Behalf of All Others Similarly Situated.” (*E.g.*, Doc. 1 at 1.) While the Agreements do not purport to address any claims, stated or potential, which might be

brought by other “Similarly Situated” parties, the Court finds that it would not be fair or reasonable to bind any such parties to the terms of the Agreements.

Accordingly, the Court **GRANTS** the Unopposed Motion to Approve Settlement Agreements and Dismissal with Prejudice. This Order does not in any way affect the rights of any parties other than the Named Plaintiffs and the Defendants. It is, therefore, **ORDERED** that the action be **DISMISSED WITH PREJUDICE**.

SO ORDERED, this 28th day of October, 2016.

_____/s/ Leslie J. Abrams
LESLIE J. ABRAMS, JUDGE
UNITED STATES DISTRICT COURT